

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/017,675
Confirm. No. : 9565
Inventor: Alexander Vasilevsky et al.
Filing Date: December 15, 2001
Title: Centralized Digital Video Recording and Playback System
Accessible to Multiple Reproduction and Control Units via a
Home Area Network
Examiner: Vent, Jamie
Art Unit: 2621
Atty. Docket No.: BCS03852
Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL CONFERENCE BRIEF

Please review the Final Rejection mailed on July 18, 2007. No amendments are being filed with this Brief. This Brief is being filed with a Notice of Appeal and required fee. The review requested is attached hereto and is not more than five (5) pages.

In the Office Action mailed July 18, 2007 the Examiner rejected claims 1-3, 6-11 and 14-15 under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,973,669 to Daniels in view of U.S. Patent No. 6,233,389 to Barton and rejected 4 and 12 under 35 U.S.C. 103(a) as being unpatentable over Daniels and Barton in view of U.S. Patent No. 4,675,757 to Block.

Independent claims 1 and 8 recite the ability to control live-pause reproduction of said selected program among first and second reproduction devices. Daniels does not teach or suggest this limitation.

More specifically, Daniels shows only one playback means 18 in Figs. 3-5. Thus, even if Daniels' playback means 18 were equivalent to Applicant's claimed "first reproduction device," Daniels does not teach or suggest a "second reproduction device."

To the extent Applicant understands the Examiner's rejection on this issue, it appears that the Examiner is stating that the "first reproduction device" is shown in Fig. 4 and the "second reproduction device" is shown in Fig. 5. If this is true, Daniels would then fail to teach networking the first and second reproduction devices together. That is, Daniels fails to show any networking of Fig. 4 to Fig. 5.

In rebuttal to this argument, the Examiner has asserted that Daniels discloses a system with various reproduction devices as seen in Figs. 4-6 and described in column 17, lines 63+ and column 18, lines 1-8. See Advisory Action mailed on September 19, 2007. Among the plurality of figures, namely Figs. 4 and 5 (Fig. 6 is a flowchart), multiple devices are shown. However, there is no connection between Fig. 4 and Fig. 5. Therefore, one system in Fig. 4 arguably shows one reproduction device while Fig. 5

arguably also shows one reproduction device. Neither Fig. 4 nor Fig. 5 shows a single system with two reproduction devices.

The Examiner admits that Daniels fails to teach or suggest “distributing the ability to control reproduction of said selected program among the first and second reproduction devices ...” To fill this gap, the Examiner relies on column 4, lines 15-33 and column 6, lines 47+ of Barton. A review of these cited passages shows that this claim limitation is not taught therein. Column 4, lines 15-33 do describe multiple decoders. What is not described is any interoperability among these multiple decoders so that one can control the operation of another. Instead, it appears that Barton uses the multiple decoders to output data to a single television. This is because Barton describes providing the user with picture-in-picture and this requires two decoders to forward their outputs to a single television.

Similarly, column 6, lines 47+ describe tagging certain types of data on audio for video segments. Again, this is not the same as distributing a live-pause functionality among a first and second reproduction device.

With respect to claims 3, 4, 11 and 12, the Examiner asserts that Daniels teaches a hierarchy or ranking among a plurality of reproduction devices in column 5, lines 28+. Applicant disagrees. As stated previously, Daniels does not teach or suggest a plurality of reproduction devices. Therefore, Daniels cannot teach a hierarchy or ranking either.

With respect to claims 2, 6, 7, 10, 14 and 15, these claims recite functionality between two reproduction devices. As stated previously, Daniels does not teach or suggest two reproduction devices. Therefore, Daniels cannot teach functionality between two reproduction devices.

With respect to claims 4 and 12, both claims recite “control conflicts” among master and slave devices. Block does describe master and slave VCRs. However, the relationship between the master and slave VCRs in Block is for synchronization purposes and not control purposes. Thus, the slave VCRs in Block cannot take control such that a “control conflict” arises among the VCRs in Block.

In response, the Examiner cites to column 4, lines 13+ of Block. Applicant cannot find the phrase “control conflict,” as claimed in claims 4 and 12, but can find the word “synchronize” in that citation. Block specifically points out that one machine is designated as master and the others are then slaves by default. See column 4, lines 39-41. The master device then controls when the slave devices output certain frames. See abstract. Since the master in Block tells the slaves when to output frames, no conflict ever arises because a slave in Block cannot tell the master when to output frames at the same time as the master is telling the slave when to output frames.

Claims not specifically mentioned above are allowable due to their dependence on an allowable base claim.

Respectfully submitted,
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